

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

FILED
IN OPEN COURT
APR 26 2016
CLERK, U.S. DISTRICT COURT
NCFOLK, VA

Newport News Division

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 4:16cr31
)
 MARK ANTHONY LOWE)

STATEMENT OF FACTS

If the United States were to try this case, the evidence that would be proved beyond a reasonable doubt would be:

On December 26, 2015, Jane Doe, six years old, reported to her father G.L. that MARK ANTHONY LOWE, 62 years old, licked her private parts. G.L. took Jane Doe to the hospital at Joint Base Langley-Eustis (JBLE). Shortly thereafter, hospital personnel contacted the United States Air Force, Office of Special Investigations (AFOSI) to report the sexual assault of Jane Doe. According to hospital personnel, Jane Doe reported to her parents, E.L. and G.L., that MARK ANTHONY LOWE licked her private parts, asked her if he could put his thing in her and asked her to touch his penis while at her home on Langley Air Force Base. Emergency room nurse C.T. would testify that with Jane Doe present, G.L. told her what had happened to Jane Doe. When C.T. asked Jane Doe if G.L.'s statements were true, she nodded yes. Hospital personnel redirected G.L. and Jane Doe to Riverside Hospital in Newport News, Virginia, due to the nature of the complaint. Riverside hospital nurses performed a sexual assault examination on Jane Doe.

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Nurse C.R. asked Jane Doe did she know why she was here, Jane Doe replied, "Because (LOWE) was touching me on my private parts and he licked it and he was rubbing it. He tried to put his in mine and I said no."

G.L. and E.L. would testify that LOWE was staying at their home for the Christmas holiday. On two nights, December 24, 2015 and December 25, 2015, they allowed LOWE to put Jane Doe to bed. On December 26, 2015, G.L. asked Jane Doe if LOWE had touched her and she told him that LOWE licked her "tutu" and asked her to touch his penis. G.L. immediately took Jane Doe to the hospital. While G.L. and Jane Doe were at the hospital, LOWE sent G.L. two text messages on December 26, 2015, which read; "Please at least let me take care of my aged mother on her final days. I don't deserve to ask. But please let me take care of her." A few hours later, LOWE texted G.L., "After eating in coming back to your place, would you not beat me up. Although I would expect it."

On December 28, 2015, Jane Doe was forensically interviewed at the Children's Hospital of King's Daughters (CHKD) where she reported LOWE licked her "tutu" and asked if he could stick his in her "tutu".

On February 17, 2016, LOWE was arrested and his phone was seized. A federal search warrant was obtained to examine the phone. Forensic Examiner Rudy Jones examined the phone and found a videotaped ~~statement~~ ^{statement} ~~confession~~ ^{confession} by LOWE. Also, found on the device were videos of Jane Doe playing in the bathtub.

On September 7, 1993, LOWE was convicted in the District Court of Tarrant County, Texas, of two counts of Aggravated Sexual Assault of a Child Under 14 years of Age, one count of

Sexual Assault of a Child Under 17 years of Age and one count of Indecency with a Child-Contact.

The defendant admits as a result of those convictions, he is a person required to register as a sex offender for life. He further admits that those convictions qualify him for a sentence enhancement.

The defendant admits that within the boundaries of a territorial jurisdiction of the United States he knowingly persuaded, induced, enticed or coerced Jane Doe to engage in a sexual activity, to wit; Taking Indecent Liberties with Children, in violation of §18.2- 370 of the Code of Virginia 1950, as amended, for which he could be charged.

During the offense period, Jane Doe and her family were living on Langley Air Force Base. The defendant admits that Langley Air Force Base is in the special maritime and territorial jurisdiction of the United States and is located within the Eastern District of Virginia.

These events occurred in the Eastern District of Virginia and elsewhere.

Respectfully submitted,

DANA J. BOENTE
United States Attorney

By:



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After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, and the United States, I hereby stipulate that the above Statement of Facts is a partial summary of the evidence which is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

Mark Anthony Lowe
MARK ANTHONY LOWE

4/26/16
Date

I am MARK ANTHONY LOWE's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Kirsten R. Kmet, Esq.
Assistant Federal Public Defender
Counsel for defendant

26 APRIL 2014
Date

[Handwritten signatures and initials]